

DIJK et al
Appl. No. 10/587,525
July 27, 2011

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The claims have been revised to define the invention with additional clarity. Support for the revision of the claims to recite an enzyme modified cheese (EMC) can be found at paragraph [0008] in the third sentence of the application as published (US 2007/0160711). Further basis can be found in claim 8 as originally filed. Experimental support for EMC can be found in Example 7.

Claims 10-32 stand rejected under 35 USC 112, first paragraph as allegedly being non-enabled. Withdrawal of the rejection is submitted to be in order in view of the above-noted revision of claims 10, 14, 18, 28 and 30 to recite EMC. Basis for the inclusion of claims 31 and 32 in the rejection is not seen as these claims refer to cheese. Reconsideration is requested.

Claims 10-32 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is submitted to be in order in view of the above-noted revision of claims 10, 14, 18, 28 and 30 to recite EMC (a term well understood by those in the art) and further in view of the comments that follow.

As regards the Examiner's comments in items 4 and 6, Applicants point out that cheeses are typically analyzed by a well trained panel of people - see Example 4 (sensory analysis was performed by a minimum panel of 3 people), Example 5 (cheeses were organoleptically assessed by using a trained panel consisting of a minimum number of 8 people) and Example 7 (the flavour of the pastes was organoleptically assessed by a sensory panel). These methods are well accepted in the field of cheese making.

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Phrases such as "a more matured taste" and "increasing the flavor intensity" are commonly used in the cheese art and would be readily understood by one of ordinary skill.

In item 5, the Examiner rejects claim 10 because the nature of the control is not defined. It will be clear from Examples 4, 5 and 7 that a control cheese (or control EMC) is prepared using the same manufacturing process as used for the CPD/PEPG/CPG products but without addition of CPD/PEPG/CPG. While it is not seen to be necessary, the claim has been revised to make additionally clear the nature of the control.

In Item 7 the Examiner contends that the indicated claims are indefinite "because of addressing the same concept". Basis for this assertion is not seen and clarification is requested so that Applicants can properly respond.

Claim 31 has been revised to address the concern raised by the Examiner in item 8. Basis for this amendment can be found, for example, in Example 5.

Reconsideration is requested.

Claims 10-27 (it is unclear if the Examiner intended claims 10-32) stand rejected under 35 USC 103 as allegedly being obvious over R1 and R2. Withdrawal of the rejection is submitted to be in order in view of the comments that follow.

R1 describes in column 7, lines 45-62, 17 different preferred (either selective or non-selective) endoproteases. R1 further describes in column 8, lines 1 to 11, 5 different preferred (either selective or non-selective) carboxypeptidases. Out of these two lists, a total of 85 different combinations can be made.

The combination of a rennet and CPD-1 is 1 combination out of the 85 possibilities and there is no hint or suggestion in R1 that this specific combination might be beneficial for cheese or EMC. R1 describes 9 different combinations (out of the 85 possibilities). These 9 different

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combinations were discussed in the Amendment filed in response to the Office Action dated June 4, 2010 (pages 7 and 8). The comments presented in paragraphs bridging pages 8 and 9 of the prior response are equally applicable here and are incorporated herein by reference. The Examiner is respectfully requested to respond to those the arguments presented.

The effect of an arbitrary combination could not have been predicted and thus the rejection is not well founded.

As regards the Examiner's comments in items 8 and 9, Applicants note that it is true that R1 describes that hydrophobic amino acids like valine, leucine, isoleucine and phenylalanine, as well as sulphur containing amino acids like methionine, are known to be important in the aroma development of fermented foods (column 5, lines 53-58). It is also true that R2 describes that CPD-1 (when used as a single enzyme!!) has highest preference for valine, leucine, isoleucine, methionine and phenylalanine. As regards the claimed subject matter, the effect of the combination of a CPD-1 with a coagulant is important.

It is known from R1 that the specific amino acids released is heavily dependent on the specific enzyme combination – see, for example, the difference between combinations (b), (d), (e), and (i). All of these combinations use CPD-1. Combinations (c) and (d) both release phenylalanine (but there is no reference to valine, leucine, isoleucine or methionine). R2 is silent in respect of released amino acids when CPD-1 is combined with a coagulant.

R1 points out that the effect of a combination of enzymes is very unpredictable and R2 can not repair this deficiency. Accordingly, the claimed invention could not have been obvious over the cited art and the Examiner is requested to reconsider and withdraw the rejection.

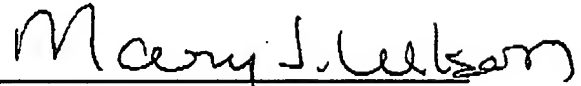
This application is submitted to be in condition for allowance and a Notice to that effect is requested.

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Respectfully submitted,

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